

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

HEARING DATE: Dec. 11, 2014
HEARING TIME: 9:30 A.M.
HEARING PLACE: Utica

In Re:

John Halpin

CHAPTER 13

CASE NO. 14-61006

Debtor(s)

MOTION TO MODIFY AUTOMATIC STAY

The motion of Trustco Realty Corporation, ("Bank") respectfully represents:

1. Debtor filed a petition in this Court under Chapter 13 of the Bankruptcy Code on June 12, 2014.
2. The Bank is holder of a secured claim against the debtor for the sum of \$58,123.00.
3. The Bank has a valid Mortgage on certain real estate more particularly described in the mortgage attached hereto as Exhibit A.
4. The Debtors filed a plan and said plan was confirmed whereby he would make his post-petition mortgage payments to Trustco Realty Corporation outside the plan.
5. The Debtor is currently in default of said plan in that biweekly payments for June 25, 2014 through September 17, 2014, have not been made. The past due balance is \$1,445.15. The Certification of Payment History is attached as Exhibit "B".
6. The Bank does not have, and has not been offered, adequate protection for its interest in the mortgaged property.
7. If the Bank is not permitted to foreclose its security interest in said collateral, it will suffer irreparable injury, loss and damage.

8. If the Bank is permitted to foreclose its security interest and sell the real property, any amounts received over and above the amount due the Bank will be paid to the Trustee in Bankruptcy.

WHEREFORE, movant prays that upon a final hearing of this motion, the stay pursuant to 11 U.S.C. Section 362 will be modified to permit it to foreclose its security interest in the collateral referred to above, deduct the balance due under the note, remit the remainder of the security to the Trustee and have such other and further relief as to this Court may seem just and proper.

DATED: September 30, 2014



LINDA L. DONOVAN
OVERTON, RUSSELL, DOERR & DONOVAN, LLP
Attorneys for Movant
19 Executive Park Drive
Clifton Park, New York 12065
(518) 383-4000